

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

SEAN RAY SMITH,

Petitioner,

v.

MARTY SIRMONS, Warden,

Respondent.

JUL 28 2011

WILLIAM R. BURTHRIE
Clerk of the Court

By _____ Deputy Clerk

Case No. CIV-08-290-Raw

ORDER

On June 29, 2011, the United States Magistrate Judge filed a Report and Recommendation, recommending that this action (commenced by the Petitioner Smith's filing of a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254) be in all respects dismissed. Petitioner Smith filed an Objection to the Magistrate Judge's Report and Recommendation on July 8, 2011.

After a *de novo* review, and construing Petitioner Smith's *pro se* filings liberally, the court finds that the Magistrate Judge's Report and Recommendation is well-supported by the evidence and the prevailing legal authority. Accordingly, the Report and Recommendation of the Magistrate Judge is hereby AFFIRMED and ADOPTED as this court's Findings and Order. Petitioner Smith's petition pursuant to 28 U.S.C. § 2254 is hereby DISMISSED.

IT IS SO ORDERED this 28th day of July, 2011.



HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA